

## **Burqa Bashing: Does Religion Stand for Race in the EU?**

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### *General framework to contextualize this paper*

This text is part of a larger research project that I conduct in Montreal. The idea at the core of this project is very basic: Western contexts have developed a transnational public panic about 'religious' otherness embodied more specifically in the external characteristics of female individuals members of certain religious minorities (Jewish, Muslim, Mormons, Amish). The social sciences literature has explored quite extensively this publicization process, through many angles and via different theoretical standpoints. Interestingly, religion as a relatively non-discussed category made its entry into all kinds of analysis of diversity and otherness. Throughout the literature though, the absence of a systematic reflection on 'religion' as a category is striking. As we consider it to be partly the reason why it has become so difficult on the one hand, to resist the intensification of racist statements (for instance the anti-Muslim bigotry), and on the other one to communicate outside of the academic community, the paper therefore wishes to open an academic conversation focusing on the epistemological impact of the circulation of this taken-for-granted category to assess everyday's experience of individuals and classify them as problematic attitudes in secular contexts. In that context, we in particular look at the complex articulation between pluralism and radicalization in Western contexts (Canada, France).

### *Abstract*

The argument exposed in this paper is a rather simple one: European publics are trapped in a binary representation of Muslim religious practices as inadequate and threatening to liberal western democracies. Because religion remains unintelligible to secular publics I am arguing that its occlusion allows Islam and Muslims to undergo a process of racialization. Religion is being given racial attributes and Muslims, in particular, are consequently being "racialized". The paper sets out for itself a double challenge: to reintegrate race into the study of European religious pluralism, and to bring "religion qua religion" into the reading of the headscarf/burqa ban movement in the EU member states. Tackling politically subjects that I usually broach as an academic, it exposes how religion and race – and their definitions – are too much taken for granted in everyday life.

## **Introduction**

European social anxieties relating to the relationship between religion and social cohesion have multiplied, and the concomitant political concerns have renewed themselves and intensified.<sup>1</sup> Over the last two decades, the Islamic feminine garment (whatever term is used to describe it: veil, headscarf and more recently burqa)<sup>2</sup> has increasingly become a sensitive issue, giving rise to legal disputes and political controversies in several EU member states, notably France, Belgium, Germany, the Netherlands and the UK where most of the European Muslims live. Islamic headscarves, and by definition the Muslim women wearing them, have effectively come to stand for “everything that is thought to be wrong with Islam in Europe”<sup>3</sup>.

Today, the dominant political and legal trend emerging in most of the EU member states is to ban the wearing of the burqa in public spaces, after having, in certain contexts (mostly educational), banned the headscarf. Popular opinion supports the ban. On July 8<sup>th</sup> 2010, the Pew Research Center’s Global Attitudes Project released a survey showing a massive and widespread support for banning the full Islamic veil in Western Europe. Vast majorities in France (82%), Germany (71%), Britain (62%) and Spain (59%) approve of such a ban in public spaces, including schools, hospitals and government offices.<sup>4</sup> The decision thus appears to be quite

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<sup>1</sup> These are evident in many of the controversies and debates that garnered much media and public attention, from comic strip controversies (Danish cartoons) to family law questions, the Shari’a, blasphemy, euthanasia, cloning technologies, the Rushdie affair, polygamy, new religious movements, public funding for religious schools, cults, abortion, etc. ... and the list could be longer.

<sup>2</sup> The gesture refers to the fact that Muslim women wear a headscarf or a burqa and not to the radically different Christian notion of ‘taking the veil’ and its associations with insularity.

<sup>3</sup> The notion of public is multidimensional. In this paper, it designates first, the public arena where polemical discussions and controversies, and collective deliberations take place, and where public problems emerge and are constituted (Gusfield, 1981). This implies that, the “public problem” does not preexist the experience of “trouble” that causes people to engage in a discussion of what troubles them. For instance, “Islam” is not a public problem per se but neither is “Islam as problem” the effect of the manipulation by state ideology. Rather, “Islam as a problem” goes public through the intervention of a set of micro-events, disagreements, experiences, alliances, conflicts that constitute it as social and then as public problem. Media, politicians, civic associations, lawyers and judges, citizens are all part of this process. Second, it points to the idea that experiences of the public follow paths that are directly linked to the contextual legal, political and civic settings that intervene as a network of constraints and opportunities. The attention is here given to the way people orient their actions in situations, both individually and collectively.

<sup>4</sup> In contrast, most Americans would oppose such a measure (65%) (Pew, 2010). A stimulating comparative study between Europe and the US focusing on differing traditions of civil rights offers promising avenues for further

consensual, whether from the perspective of the policy makers, or of the public.

Roads to understanding the ‘religion-made-into-race’ process are of course complex as the debates surrounding the headscarf and burqa tend to touch upon numerous broader issues. Both garments operate in fact as transnational “synecdoches” for (Jiwani, 2010: 65): the failure of multiculturalism, the validation of secularism as a way of organizing the pacific co-existence of different religions, the securitization of cultural markers, the questioning of the moral and political loyalty of Muslim European citizens (converted or not), the impact of foreign affair policies on domestic spaces, etc. These aspects have been quite extensively researched by social scientists, often most interestingly from the perspective of legal discourse, introduced over the last decade into the debates surrounding Islam and Muslims. If these debates, including issues of veiling, may be considered by examining<sup>5</sup> the hypothetical relevance of national norms of citizenship and national norms regarding the relationship between religion and the state, I wish to address them here by fleshing out the following two ideas:

- a. In European contexts, France constituting the primary example in this paper, religion remains largely unintelligible to public imaginaries and politics. ;
- b. The ‘headscarf/burqa bashing’ current moment illustrates the construction of religion into race, engendering a “racialization” of Muslims in Europe as their religion becomes to be conflated with race.

In France, but this equally applies to other European contexts, the 21st century has witnessed the emergence of a renewed iconography of fear seeking to depict deviation from the republican ideal, in male and female figures that typify behaviors considered hostile to the French Republic<sup>6</sup>. In most EU member states, legal banning of female Islamic garments has become the central technology for governing the conduct of Muslim/dangerous persons and for protecting the national cultures and mores (I choose mores as this includes classical political expectations when it comes to the practice of citizenship, but also covers food, fashion, and also

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research (Nussbaum, 2011; Ford, 2011).

<sup>5</sup> See the special issue of the *Cardozo Law Review*, 2009, 30, n. 6.

<sup>6</sup> Again, this has been largely documented by academics, in particular those whose work is informed by post-colonial and feminist studies, and more recently by queer studies.

sexual preferences as I will highlight later). From a legal point of view, religion enjoys a dual statute, it is constitutionally protected under the right to freedom of religion, and under the right to equal treatment, whereas racial and ethnic origins are protected on equality grounds alone. Hence, antidiscrimination law is a site where race and religion intersect. However, whereas religion is listed among the grounds that prohibit discrimination in both EU and French law, it is race and ethnic origin (or color), which are in fact at the core of antidiscrimination claims in most EU countries. What is specific to the religious and cultural symbols at stake here is that they bring us Europeans back to the very normative dimension of discourses on justice and equality, to our capacity of being reasonable about that which distinguishes us from one other and to the moral grounds upon which this capacity rests. Bringing forth various examples to make my case, I argue, that religion has been the main absentee from the public discussion(s) around the headscarf and the burqa bans.

***I. Can the European Union be fair to Muslims as a religious minority when religion remains a non intelligible variable?***

This first section briefly sums up some of the social perplexities that have emerged around “religious (Muslim) issues” in the EU over the last two decades. Since the end of the 1980s, EU secular public spaces have taken a radical turn with regard to the growing visibility of Muslims, and become increasingly intolerant towards Muslim forms of religiosity, regarding them as cultural, social and political pathologies. Since October 2010, a number of EU political leaders have accelerated this shift in policy by making strong public statements regarding the ‘crisis of multiculturalism’, asserting the latter’s failure and singling out Muslims as the main troublemakers. Throughout the EU, religion has become contentious, particularly in relation to the expression of specific forms of religiosity, claimed by minority groups made up of individuals with migrant backgrounds, albeit most of whom are European citizens (Amiraux, 2011).<sup>7</sup> Current mainstream political and legal discourse effectively favors imposing further limitations on

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<sup>7</sup> A comparison can be made with Christian African-led churches, whose intense parochial life in the newly migrated Christian communities contrasts with traditional churches and church life in Europe. The evangelization program of these African churches based in Europe provides social protection to vulnerable populations exposed to hostile environments (drug addicts, prostitutes) but also develops a pro-integration discourse.

specific minority religious practices, Muslim women veiling practices in particular. The ubiquity of debates and legal disputes over these garments has made them, and by extension the Muslim women wearing them, the source of Europeanized moral panics. As if Europeanization could only consolidate itself through the shared ideology of “anti-Muslim bigotry” or “European Muslimania”<sup>8</sup> (stoked by the fear of the Islamicization of Europe). The complex challenge facing European societies which has thus far not been successfully met is that of devising definitions of equality and integration which equally take full account of the religious facet of an individual’s identity. However, the difficulty lies in the fact that public discussions on the question cum problem of “Islam and Muslims” continue to advance secularism as a principle that must be reaffirmed and defended as a core European value, constituting both a means of integration and a necessary regulatory principle of social life. Secularism in this sense is increasingly conflated with, or at least seen as interwoven with, national identity as recent statements by the French leaders of the National Front (amongst others) have shown.

In this context, the terms Muslim, Muslims, and Islam form part of an all-encompassing category commonly circulating throughout European public discourse without referring to anything precisely defined. Religious affiliation and non-affiliation is indeed (a) difficult (social phenomenon) to identify and quantify. Moreover, EU member states effectively lack data when it comes to assessing the number and type of believers<sup>9</sup>. Data usually put forth as ‘average’ regarding the size of Muslim populations are thus always estimates. With no question on religious affiliation in the national censuses, ethnic and national origins continue to work as a proxy for identifying certain religious minorities. Other quantitative assessments of the number of Muslims may consider and count believers on the basis of religious practice (praying in a prayer room or a mosque, fasting, alms-giving, etc.) or, instead, rely on their own religious self-identification or religiosity (Dobbelaere and Riis, 2003). In all these types of surveys, except in the case of self-identification, the criteria for identifying Muslims depends on what can be called

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<sup>8</sup> The expression anti-Muslim bigotry comes from Ford, 2011 and; European Muslimania comes from Goldberg, 2010.

<sup>9</sup> Different surveys are available (the European values survey, the International social survey program, the European social survey).

an ‘institutional’ perception of what defines a believer<sup>10</sup>, that is his/her relationship to practice and more specifically to worship, whereby religion is identified with collective rituals and the public existence of religious buildings.<sup>11</sup> Akin to gender or ethnicity, religion is often defined as a cultural and symbolic category, denying its role in social stratification. It would be, I think, misleading to continue to ignore and to some extent deny the role of religion lying at the heart of the social, and central in “determining the allocation of socially valued resources and social places/locations” (Anthias, 2001: 368). However, religion is not only symbolic; it entails material translations (Claverie, 2003; Benhabib, 2002). Like ethnicity, race or gender (and we could also list other classical variables legally listed as sources of direct or indirect discrimination such as ageism, sexual orientation, or disability), religions construct difference (ways of identifying (with) a community), but also hierarchization (based on adherence to certain values), and restrict access to certain social/public goods (access to healthcare, job market, social housing, see OSI 2009). Religion is also, in a secular age, produced through new conditions for beliefs (Taylor, 2007). As a set of social relations, it coproduces, together with gender and ethnicity, the social inequality that characterizes European societies, which are both divided and divisive. Religion has effectively become a key variable in mapping and reproducing social division. The twinning of ethnicity and religion results from this reading of religion as exclusively a symbolic (as opposed to a material) item/experience/reality. Diversities within Muslim communities in Europe, for instance, are solely discussed in terms of “ethnic origin” (ie nationality) or sometimes the sunni/shi’a divide. Religious heterogeneity remains largely underemphasized/absent, principally because it would bring the observers too close to what we, as ‘modern enlightened secular citizens’, want to keep at a distance<sup>12</sup>.

Debates about belief and religious practices provoke a host of questions. Where does religion fit in? How does religious practice impact on other social behaviors? Are religious

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<sup>10</sup> Given that secularization refers primarily to the idea that religious values and behaviors are shaped by individuals, it follows that attempts to quantify evidence of secularity relies mostly on an assessment of personal religiosity.

<sup>11</sup> The situation is slightly different when religious groups are simultaneously categorized as ethnic groups, such as for instance in the case for Sikhs or Jews in the UK where since 2001 a religious question has been reintroduced into the census.

<sup>12</sup> The recent OSI work on the women wearing burqas in France is a good illustration of this commonly shared blindness (2011).

people sincere in believing what they advocate? They are, in effect, inextricably linked to issues of *sincerity* which frequently, at their most basic and emotional level, give rise to accusations of one group by another, reproaching them for not being “true” believers (Beaman, 2008). However, these discussions all point to the thornier issue of defining religion. The awkward issue of definition may seem too basic, even altogether redundant. This epistemological challenge has also become part of the daily routine of judges, lawyers, public officials, doctors, and social workers confronted with having to decide whether or not people have the right to wear a headscarf, file a complaint for religious as opposed to ethnic discrimination, be granted refugee status, close their shops on certain days, obtain their divorce, etc. Defining religion is no longer exclusively a scholarly duty and a pedagogical exercise, but has become an everyday requirement for many social agents, in particular in the courtroom. In the European context, secularism as political achievement, specific national traditions notwithstanding, has conditioned the circulation of an expectation of religion to be considered only in terms of its institutional manifestation, rather than as practice or experience: the “everyday religion” performed through everyday accomplishments (Ammerman, 2007). From this perspective, a believer is a practitioner. In short, European political spheres reduce religion to its institutional definition productive of a social order. Favoring the latter would mean paying more attention to (which does not mean recognizing<sup>13</sup>) the various ways of carrying out the practice of one’s beliefs in one’s daily ordinary activities (Bender, 2003; Lichterman, 2005). Adopting a relatively classical definition of religion would be even more helpful. Understanding religion as “a system of beliefs and practices oriented toward the sacred or supernatural, through which the life experience of groups of people are given meaning and direction” (Smith, 1996: 5), factors in not only religious observance but also spirituality (belief and practices), as well as the social significance of the influence that a religion exerts on the other parts of society (Herbert, 2003: 5-6). However, the general incapacity to view religion in its comprehensive definition is, I think, particularly well illustrated by the silence and inaction of anti-racist groups in the headscarf or burqa discussion(s).

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<sup>13</sup> And indeed, they are different reasons for accommodating religion that do not lead a formal recognition of a denomination by a state: the most important one being the protection of freedom of religion and conscience. This comes from the disentanglement of political rights from religious identification. Whatever religious affiliation he or she has, a citizen is a citizen.

A good example is the recent appeal to support the “mothers with headscarf” campaign organized by the *Indigènes de la République* movement. Although this call was launched only recently (April 2011), the exclusion of mothers who wear a headscarf from access to schools had been in the making since at least 2005. In the same year, I conducted a field study in Argenteuil for Eurobarometer, to analyze the way municipal authorities treated headscarf issues beyond the strict school perimeter once the March 2004 law came into force<sup>14</sup>. It was already clear at the time that the right-wing head of the municipality of Argenteuil had decided to extend the application of the law banning headscarves far beyond its intended application: private wet-nurses lost their state permit, mothers were prevented from entering schools in order to take the children back at the end of the day or from accompanying classes during field trips. Some Muslim activists, in particular from the CCI (Collectif contre l’islamophobie) and the Association 15 mars et libertés (15 March and freedom association) began to gather data on these cases. Six years later, after the Minister of Education made a public declaration barring the rights of mothers with headscarves to be allowed inside schools, the issue went public and found a larger echo. While the fight against racism forms an integral part of the politics of social justice, the ‘Muslim woman’ cause does not garner the support of anti-racist activists in Europe. The ‘Muslim woman with headscarf or burqa’ issue lacks appeal for them perhaps because the ‘woman-as-victim requiring rescue’ is in itself an off-putting narrative.

The acknowledgement of continuous hostile feelings towards Muslims (Islamophobia) has indeed been treated distinctively from the practices of discrimination (as a legal category) vis-à-vis Muslims. This pertains to the logic of the political philosophy of integration and equality in France, namely that religion is private, intimate and invisible. When dealing with Muslims though, the question becomes: are they something more (or something less) than an ethnic minority? The discussions that have taken place in the EU about what Muslims can and cannot do were never really about religion defined as a system of beliefs and practices oriented toward the sacred, affecting the way and perhaps the quality of life of individual believers. Liberal secularism (radical in its French version, more flexible in its British one) is based on denominational freedom: people can believe what they want in the private sphere. As a

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<sup>14</sup> The March 2004 Law banned conspicuous religious signs from public schools.



consequence,—public space is conceived of as a realm based on a cultural consensus that overrides individual liberty but holds onto the idea that practice can be reduced to private preferences and intimate choices. But can religious practices be dissociated from convictions? Or, stated differently, should religion be relegated to the private sphere in order to make pluralism viable?

Interestingly, while the concept of discrimination (including that based on the religious group of the victim) came to constitute a central notion of the legal and political framework established to guarantee the promotion of equality and respect of differences, it has remained largely absent from the discourse about Muslims and Islam in France. The TeO survey results however, revealed the importance of religion in the discrimination experienced by “visible minorities”, therefore converging with European agencies’ regular reporting<sup>15</sup>. These results provided better information about the impact of ethnic origin on the social trajectories of migrants and children of migrants, but also added precise data related to the effects of color or other visible markers of diversity. The facts are striking: the incidence of discrimination is two and a half times higher for immigrants and children of immigrants than for the mainstream population. Roughly say they have been victims of discrimination over the past five years, for myriad motives and in all sorts of context. The different groups studied experience discrimination in different degrees, the most visible minorities being the most targeted (people from Sub-Saharan Africa, the Caribbean, North-Africa, Turkey, and South Asia). In all groups, children of migrants report more often discrimination than their parents would; women and individuals over 35 declare discrimination less than men and youth (this being witnessed in particular on the job market). Social position plays a nuanced role in this picture. Having a job clearly enhances security and reduces the feeling of being discriminated against, and yet the more educated one is, the more one is inclined to report discrimination. Even if ethnic origin remains the most determining variable for the self-reporting of discrimination, religious belief and belonging cannot be circumvented because regardless of their ethnic origin, Muslims report

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<sup>15</sup> All data in this section come from Beauchemin & al. (2010b), p. 2.

more discrimination than individuals declaring themselves to be of no religion (agnostics, atheists, non-believers) or than Christians, Buddhists or Jews.<sup>16</sup>

The current European tendency is to move towards ever more restrictive definitions of cohesive citizenship. If, in culturally plural societies, anti-discrimination policies can be seen as a central element in the organization of the peaceful coexistence between competing interpretative systems (as in the case of religions) or conflicting values (as in the opposition between the neutrality of the state and the individual's freedom of religion), the impulse to curtail religious freedom (limiting the right to wear a headscarf in specific settings) expresses a conflicting need to curb visible religious practices in secular contexts. In some cases, the difference between modes of secularism inside the EU (established church, *laïcité*, concordat type of church and state relationship)<sup>17</sup> or the various definitions given to 'disturbances of public order' have furnished the premise upon which European judges plead for limitations on the right to wear a headscarf, or, today, a burqa (Mac Goldrick, 2006; Rorive, 2009). For example, the European Court of Human Rights (ECHR) has ruled that such a restriction may sometimes be deemed necessary in democratic societies to the extent that the wearing of the headscarf may negatively impact on others. It therefore supports the more restrictive member states on this matter, mostly on the grounds of the margin given to prioritizing the state's assessment and justification of its own situation with regard to protecting and being seen to protect public order. The main analytical grid underwriting the headscarf and burqa bans is therefore based on a: "It is not that we don't like Muslims (therefore it is not racism), it is that we love our values". This means, and the ECHR reading of *laïcité* favors such a stance, that the protection of historically cherished liberal values (freedom of conscience, freedom of speech, gender equality) can tolerate the restriction of some of them (Cardozo Law Review special issue, 2009).

This dynamic on the one hand opens up a greater space for public speech on Islam and Muslims living in Europe in the name of equality of religion, but on the other, closes down, in

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<sup>16</sup> For the analysis of the religious variable for discrimination, see Beauchemin Cris, Hamel Christelle, Simon Patrick (eds) (2010a), *Documents de travail 168*, October, TeO/INED/INSEE, op. cit. pp. 123-128.

<sup>17</sup> In the EU, strict separatist regimes (such as in France, Ireland, Belgium, the Netherlands) coexist with nationally established state churches (the United Kingdom, Finland, Norway, Greece, Denmark) or with institutionally stabilized partnerships between church and state ie concordat types (Italy, Germany, Spain, Portugal).

the name of security, almost all the spaces in which dialogue might have taken place, thus in fact helping the emergence of more explicit expressions of hostility toward Muslims. These EU narratives have shaped the dichotomous framing of Muslims as good versus bad, loyal versus disloyal, moderate versus extreme, etc. This double-headed Janus type figure of the trustworthy [like us] versus untrustworthy [not like us] Muslim indeed conditions public speech on Islam and Muslims in Europe. It has become the yardstick by which to evaluate the behavior of Muslims in European societies, encouraging, and France has certainly taken the lead in this, animosity expressed towards Muslims who continue to adhere to practices seen as alien and archaic. The enmity has been very much sustained by the readiness of all types of citizens to proffer information and opinions regarding what Islam is ('a bad thing') and who Muslims are ('suspect citizens'). In the French context, for instance, 'being a Muslim' is framed by dominant narratives, some of them originating from Muslims, that have slowly contributed to the radical oversimplification of public perceptions of the 'typical life of Muslims in France', feeding the multiplication of stereotypical notions of how Muslims think, sleep, eat, love, look, and so on. Perceptions of Muslims in the EU remain largely negative, and assume that they maintain a distinct way of life, separating themselves from mainstream society<sup>18</sup>. Their alienation is thus seen as a direct result of the cultural isolation of some Islamic enclaves in the heart of Western Europe – rather than as the direct effect of negative perceptions and discriminatory practices –, an isolation whose embodiment is to be found in the figure of the young veiled woman.

In the ongoing recent discussions involving Islam and Muslims, religion as a mode of subjective experience remains, as mentioned above, largely incomprehensible to European public imaginaries and political classes<sup>19</sup> and thus draws a cultural line between groups of citizens or populations. Moreover, such cultural boundary-making provides a convenient marker distinguishing desirable citizens from undesirable ones and explains how these are framed and contested by the latter. Fernando, working within an Asadian anthropological perspective, explains how reducing the wearing of the headscarf solely to personal choice is the only way to frame it because of the unintelligibility of religion, within public spaces that neither accept the

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<sup>18</sup> Such reading has been conducted in academia as well as in public reports of various EU member states. REF

<sup>19</sup> Referring to the Danish cartoon episode, Mahmood evokes the fact that: " (...) even when there was recognition that Muslim religious sensibilities were not properly accommodated in Europe, there was nonetheless an inability to understand the sense of injury expressed by so many Muslims." (Mahmood, 2009: 68).

religious nor equate it with individual choice (Fernando, 2010). In a secular worldview, the idea of choice is difficult to reconcile with the concept of religious prescription (from the Qur'an) or obligation.

At the same time, the development of a « civil Islam» has been on the agenda of EU governments since 2001, with authorities establishing specific politics of collaboration with local Muslim actors also expressing their willingness to support the idea of Islam as a civil religion. In this context, the promotion of a civil Islamic religion is conceived of as a concerted effort against the temptations of radicalization putatively facing Muslims living in the Europe, and not as a proper policy to positively defend and protect believers' rights. Majority of debates relating to Muslims in Europe continue to focus on the liberal governance of religious diversity, meaning the way nation states accommodate religious differences and the Islam-related claims made by European Muslims. However, if for decades – roughly from the 1960s until the early 2000's – the situation of Muslims was perceived as the more or less successful outcome of nationally-constructed traditions for the integration of immigrants, perceptions and mainstream public opinion have been radically transformed by since 9/11. The attacks against the World Trade Centre mark the beginning of a convergence of European attitudes in considering Muslim citizens as incapable of integration. Why have contrasted regimes of citizenship and traditionally opposed “models of integration” (inter-culturalism, multiculturalism, Republicanism, assimilationism) all given rise thereafter to similar public discussions on the Islamic headscarf throughout the EU? How can the general adherence to a restrictive standpoint (i.e. banning specific religious dress and signs) be explained so that it can be understood? Answers are of course far from simple, as the debates surrounding these Islam-related topics involve numerous broader social, political, ideological, and even economic issues. They [the answers? YES] question the current “challenge” to multiculturalism, tease the capacity of secularism to organize a conflict-free religious pluralism in Europe, and exaggerate the perception of [non-Western] cultural references as a threat (Brown, 2006), thereby increasing Islamophobic racism and the tangible discrimination it begets.

What makes religion so unintelligible to Europeans? Mahmood, relying on the Danish cartoon controversies and assessing the normative encoding of the “secular” incapacity to understand religious injury, asks a similar question: “What are the conditions of intelligibility that render certain moral claims legible and others mute, where the language of street violence can be mapped onto the matrix of racism, blasphemy, and free speech, but the claim to what Tariq Ali pejoratively calls “religious pain” remains elusive, if not incomprehensible?” (Mahmood, 2009: 69-70). I would add that, the intellectual incapacity to be reasonable towards Muslims relates to the sorts of representations historically produced by Europe about Islam and Muslims. Mahmood explains the current moral impasse by the now paradigmatic polarization between the secular and the religious in which<sup>20</sup> where our positioning can hardly escape a conceptualization of “the conflict between secular necessity and religious threat” (Mahmood, 2009: 65). The alleged clash between secular liberal values and Muslim forms of religiosity reveals the European normative encoding of religion. The secular code that is circulating in the EU only does justice to a specific form of religious subject (not of a religious agent) who “fails to attend to the affective and embodied practices through which a subject comes to relate to a particular sign – a relation founded not only on representation but also on what I will call attachment and cohabitation” (Mahmood, 2009: 70). European worldviews therefore do not and cannot encompass ‘Muslims qua Muslims’. The secular/religious binary model also elucidates why the veil is inevitably understood only as contrary to gender equality, women emancipation, secularism). In fact and, effectively, “dignity and equality of women are the two pillars of the most common defenses when it comes to justifying the ban” of the garment (Ford, 2011). But wearing the headscarf or the burqa cannot exclusively be read as symbolic or as fulfilling a function (structural reading). For instance, “the veil itself has become an iconic sign of difference, but one that is reified to the extent that its strategic use, within Western ways of seeing, veils the intentions or motivations of the definers.” (Jiwani, 2010: 66) Muslim women need to be addressed as believers too, without the transformation of an intimate element of conviction into a legally determined object. The underwriting the European political and social

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<sup>20</sup> Mahmood, in her paper, analyzes the discussions around the Danish cartoons and tries to trace the process that lead to the impossibility of moving beyond the binary opposition between a religious taboo (representing the Prophet) and the liberal value of freedom of speech.

imaginary is also manifest in the inability to consider the material and bodily practices of everyday piety not only as symbols but as actual means of entry into politics and society, a view made impossible by our liberal secular ways of considering politics and agency (Mahmood, Bender, 2003; Lichterman, 2005; Tugal, 2009; Parvez, 2011).<sup>21</sup>

Religious topics provoking public discussions in multicultural secular contexts have been numerous over the last two decades, most of them revolving around requests for exemptions from generally applied law or regulations, recognition of traditional legal codes of religious communities (ex: family law) and self-governing rights for territorially concentrated religious minorities (Song, 2008). Trying to disaggregate multiculturalism, Song criticizes in particular the subsuming effect of the label “culture” to designate a wide spectrum of attitudes, preferences, and claims that relate, at least in part, to religion. She therefore calls for a distinction to be made between religion and culture<sup>22</sup>: specifying that the demands of religion are matters of conscience, experienced as binding ethical commitments (ibid.). To articulate it in sociological terms, they result from the motives for action. However, religion, from the perspective of European modernity, is understood in terms of a matter of choice concretizing individual freedom, meaning that the applicant to believe chooses among a set of established propositions he or she can freely interpret. This way of conceiving religion, as Mahmood underlines, has become as normative as attributing race to biology.

## ***II. Religion as a new race, or ‘Towards the racialization of Muslims in the EU’***

In this second section, I wish to simultaneously draw your attention to the missing dimension of race in the analysis of the headscarf/burqa bans and invite you to think of the growing social anxiety they induce as an indicator of the racialization of religious difference that leads to “racial subordination” (Wacquant, 1997), in particular when this difference concerns Muslims. Anti-religious prejudice and racist prejudice are never far from each other (Modood,

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<sup>21</sup> See Grojean and Bucaille on martyrdom. Self sacrifice. Martinez, Blom.

<sup>22</sup> Culture, as Claverie points out with regard to her work on appearances of the Virgin Mary, only becomes a “problem” when it is manifested in visible practices (Claverie, 2003).

2005), neither are Western irreligiosity and racism (Mahmood, 2009). Islamophobia may have temporarily seen as a useful new concept to acknowledge the role of religion in the intersectionality of discriminatory situations. However, ten years later, anti-Muslim bigotry has only intensified and the conditions for the production of a specific ‘folk devil’<sup>23</sup> (Werbner, 2001) seem to be at their peak, abetting, albeit independently, the post-9/11 process of consolidating a new identity category that groups together persons who appear “Middle Eastern, Arab, or Muslim”. This consolidation clearly evinces “a racialization wherein members of this group are identified as terrorists, and are disidentified as citizens” (Volpp, 2002: 1575).

The concept of racialization is not entirely satisfactory. Goldberg points out, it often remains vacuous and merely descriptive, simply suggesting race-inflected social situations (Goldberg, 2010: 67). Here, I want to refer to racialization in a far less neutral or purely descriptive manner and connect the possibility of racialization of Muslims (that is of attributing them with categories, both physical and moral with the specificity of Europe as a racial context<sup>24</sup>. Echoing the previous discussion on religion, it is necessary to briefly address the definition of race, of racism, as many other scholars advocate (Goldberg, 1993, 2010; Miles & Brown, 2003; Lentin & Titley, 2011). The major impediment to useful discussions about race in 2011 Europe is “the continual barter between folk and analytical notions, the uncontrolled conflation of social and sociological understandings of ‘race’” (Wacquant, 1997: 222). Race (as ethnicity) as a classificatory category is associated with the physical differentiation between human bodies but, unlike ethnicity, it implies a notion of hierarchy. If, as I mentioned earlier, religion is – at least in discourse if not in practice- no longer considered or perceived as a legitimate way to categorize people in European secular societies, neither is race, defined along biological lines. The consequences of the European refusal of race are aptly described by Goldberg: “Europe begins to exemplify what happens when no category is available to name a

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<sup>23</sup> I very much like the way Werbner articulates her views on Islamophobia in the context of the British discussion on incitement to hatred: “does the figure of the Muslim terrorist, the religious fanatic – the violent and intolerant so-called fundamentalist – feed a special, perhaps historically unique, racist discourse, requiring special legal protection? Or, to put the matter differently – in the racist gallery of folk devils, what kind of folk devils are contemporary Muslims perceived to constitute?” (Werbner, 2005: 6).

<sup>24</sup> The implicit guests of this section are the Jews, who, historically, constitute the principal group which was gradually transformed from being a religious group to becoming a racial/ethnic group, thus offering another example of the racialization of religion, albeit the relationship between religion and ethnicity in Muslim as opposed to Jewish communities is very different. See Anidjar, 2008; Parfitt, Trevisan Semi, 2010.

set of experiences that are linked in their production or at least inflection, historically and symbolically, experientially and politically, to racial arrangements and engagements” (Goldberg, 2010: 154). Race evidently transcends identity and color. It is a set of conditions (Goldberg) that allows for social stigmatization and depreciation. But it does not exist in isolation. Rather, unstable and polysemous, it is contingent upon other factors and may thus be best described by Hall’s notion of the “floating signifier”. Labeling the black head to toe veil a burqa illustrates perfectly the non-fixity of racialized signifiers, as the veiled Afghan woman in the characteristic blue burqa is simultaneously seen as a specific symbol of oppression under the Taliban Islam but also, transnationally, as a victim of an alien culture (Amiraux, 2009; Jiwani, 2010). The ideological power of this embodiment of multiple meanings is so strong that even in the non-EU country of Iceland, where no burqa had ever been seen, MPs from various political parties started contemplating the project of a burqa ban (*Reykjavik Grapevine*, Feb 2011). Feminist postcolonial theory has thoroughly discussed the ambiguities inherent to the figure of the male-oppressed veiled Muslim woman in need of saving. Its association with the Taliban who indeed combine the claim of adherence to Islam and cruel misogynist practices only intensify a representation of Islam where moral and racial boundaries intertwine, the moral criteria being used by non-Muslims to evaluate Muslims, makes intimacy a central object of public scrutiny<sup>25</sup>. The continued distinction between “white” civilized people and colored backward and traditional people (Brown, 2006; Razack, 2008) signals the degree to which European identity or ‘Europeanness’ remains a reproducible political project established on the basis of a cultural encoding where race is occluded from the discussion but retains its constitutive and disciplinary function.

We can distinguish between different attitudes towards race even in contexts, which, because any reference to it, whether by the state, society, institutions or individuals was deemed illegitimate, gave birth to “raceless racism” in a “raceless Europe” (Goldberg, 2010: 185, 189). The ongoing social weight of race can be seen, for instance, in the profiling of suspects asked to show their ID in the Paris metro: While police officers apparently stick to identifying suspects through their clothes, the recognizable dress codes of suburban youth

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<sup>25</sup> This has been frequently addressed in recent scholarship. REF



continue to carry symbolic associations as the latter move from the suburbs to the centre of Paris (OSI, 2009). Here, clothing overlaps with racial profiling: it is because baggy trousers and certain forms of hoodies are coded as “suburban youth of ethno-racial background” that they garner the attention of the police and in fact come to constitute acceptable criteria legitimizing ID checks of certain commuters people in the major metro stations of Paris<sup>26</sup>.

Race is therefore not only a discourse. Rather than relying on racism as a analytical grid, we should instead pay attention to the way science and common sense circulate a notion like “race”. Popular and radical anti-Muslim rhetoric, supported by inflammatory discourse in segments of the media but also by public figures, has started to become normalized throughout Europe, particularly in France<sup>27</sup>. More precisely, it seems that the public expression of hostility or “unease” with issues related to the presence of Muslims in France is unfortunately gaining popular legitimacy. This phenomenon has been probably facilitated by a twofold dynamic: on the one hand the “euphemization” of the reality of Islamophobia and discrimination experienced by Muslims (it does not exist, it is not different from ethnic discrimination, we lack evidence<sup>28</sup>), and on the other, by the diffusion of explicitly racist statements pronounced by major political figures such as by Brice Hortefeux, former Minister of Interior, but also TV personalities (most famous French illustration being Éric Zemmour) create the conditions of the normalization of a racist discourse in the country, almost elevating it to the level of a national public discourse<sup>29</sup>. A relevant illustration comes from La Goutte d’or, a neighborhood in Paris, where praying in the streets has often constituted a major issue for local politicians (both in the 18<sup>th</sup> and in Paris more generally) (OSI, forthcoming 2012). Discussing the issue, Marine Le Pen, daughter of the former National Front (Front national, FN) leader Jean-Marie Le Pen and new leader of the party since January 2011, recently compared Muslims praying in the streets to the

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<sup>26</sup> N. Guénif-Souilamas drew my attention to the fact that this interpretation of the data was not mentioned by the OSI report.

<sup>27</sup> For a list of anti-Muslim and anti-Islam public positioning, see Geisser V. (2003), *La nouvelle islamophobie* [The new Islamophobia], La découverte. Delthombe T., *L’islam imaginaire: la construction médiatique de l’islamophobie en France (1975-2005)* [Imaginary Islam: the media construction of Islamophobia in France], Paris, La Découverte, “Cahiers libres”, 2005.

<sup>28</sup> A counter example is the study conducted by Laitin, 2010.

<sup>29</sup> Brice Hortefeux was condemned for racial insult in June 2010, as Eric Zemmour, a TV host, has also been in February 2011.

German occupation of France during the second world war<sup>30</sup>. The FN positioning against the so-called “Islamization of France” became a traditional rhetorical weapon over the last decade and there is nothing new per se with proffering this kind of statement. What is new, however, is to hear the Front National leaders present themselves as defenders of *laïcité* and incorporate the notion as one of the French national values to fight for and to stand in defence of, within a broader homonationalist framework.

In the double context of what we earlier called the euphemization of Islamophobia in France (as in: “As a conclusion, we cannot really talk of Islamophobic feelings in France, but rather of a certain worry regarding the will of practicing Muslims to integrate into French society.”<sup>31</sup>) and the naturalization/normalization of public expressions of hostility against Muslims, which was consolidated, although not exclusively, by the September 2009-January 2010 public discussion on national identity<sup>32</sup>, no associative front has emerged to fight the discrimination against Muslims. Only the MRAP (*Mouvement contre le racisme et pour l’amitié entre les peuples*, Movement against racism and for friendship between peoples)<sup>33</sup> and the LDH (Ligue des droits de l’Homme, League of the Human rights), joined by the CCI joined together in December 2010 to make a claim against Marine Le Pen, for incitation to racial hatred for her equating Muslims praying in the streets with the German occupation of France. The MRAP also took a clear position against the organization of explicit racist meetings such as the meeting for

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<sup>30</sup> The declaration was made in Lyon on the evening of December 10<sup>th</sup> 2010, during a meeting that took place in the context of the internal National front campaign for the election of a new leader. The actual word “Nazi” was not used by her, but was certainly implicit.

<sup>31</sup> This contrasts with a European trend that was highlighted in 2009 CNCDH report by most of the European anti-racism and anti-discrimination agencies: “In their yearly 2009 reports, (they) denounce the always increasing number of racist and xenophobic acts and in particular of anti-Semitic and Islamophobic acts.” Elsewhere in the report one reads: “The negative perception of Muslims, often expressed in the context of debates about “values”, continues to affect large numbers of people in their everyday lives. The impact of Islamophobia has been traditionally felt in many fields, such as employment, law-enforcement, town-planning, immigration and even education. A relatively new phenomenon is legal restrictions, introduced or proposed, specifically targeting Muslims – again an issue for political exploitation. Naturally, ECRI supports European Governments’ initiatives aimed at encouraging tolerance of religious diversity in Europe by, for example, establishing fora for intercultural dialogue. However, additional efforts are clearly needed in this connection.” ECRI (2009), op. cit., p. 8.

<sup>32</sup> See the synthesis by Alain Gresh, “Marine Le Pen n’est pas le problème” [Marine Le Pen is not the problem], <http://blog.mondediplo.net/2010-12-17-Marine-Le-Pen-n-est-pas-le-probleme> (accessed on January 2011).

<sup>33</sup> The MRAP is one of the rare anti-racist associations that specifies and singles out anti-Islamophobia as one of its mandates (see <http://www.mrap.fr/contre-le-racisme-sous-toutes-ses-formes/lutte-contre-lislamophobie>, accessed 15 January 2011).

*Apéro saucisson et pinard* (protection of mores as we mentioned earlier)<sup>34</sup> or the *Assises sur l'islamisation de nos pays* (Conference on the Islamization of our countries, protection of national identity and political values) organized in Paris (12<sup>th</sup>) on December 18<sup>th</sup> 2010<sup>35</sup>. If public incitement to hatred is forbidden by law in France, this event was prohibited neither by the Ministry of Interior, nor by the Paris Prefecture.

What do race and racism mean in 2011 in a so-called post-racist era of freedom and liberty? Friedrickson's definition of racism emphasizes the idea of a group that would be disqualified of membership into a community (or citizenship) because of socially relevant qualities he or she does not possess. Headscarf/burqa bashing involves the many dimensions of racism as it encompasses the spectrum of everyday experiences (verbal abuses OSI, 2011; Parvez, 2011) as well as regulatory measures implemented by the state (Essed). It includes the experience of confrontation between the stubborn persistence of an imaginary of Western tolerance and the intensification of racist exclusionary practices of specific citizens. While academics mostly agree with the inadequacy of conceptualizing racism exclusively as the physical categorization of populations, headscarves/burqa bans in fact permit what I presume to be a racialization process of Muslims precisely because they provide European publics with physical elements denoting what it is to "be Muslim", just as race uses color to signal difference among people. Women with burqas are attributed levels and types of competencies" (Anthias,

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<sup>34</sup> This event was initially planned to take place in La Goutte d'Or, a tiny multi-ethnic neighborhood of the Paris XVIII<sup>th</sup> district known for its Friday prayers taking place in the streets. Forbidden by the Prefecture in this location, it was moved to a less provocative area of the capital, square Charles de Gaulle. Launched by right wing organizations, it ended up gathering a very heterogeneous public, including secularists and leftists, all united to fight against the "Islamization of France" while promoting fare (wine and pork sausages) and rites (aperitif) they consider characteristically French.

<sup>35</sup> The role of certain associations and movements such as *Ni Pute Ni Soumises* (hereafter NPNS, Neither Whores nor Submissives) [founded by women of Muslim descent] in fostering incitation to hostility and distrust towards Muslim populations is clearly stated in some of the US embassy diplomatic cables released by Wikileaks. During the November 2005 riots for instance, different cables from the US embassy explain: "There is widespread agreement that unemployment and lack of education, and not religious affiliation, are the primary factors underlying the angry hopelessness of urban youth. That said, responsible commentators on the situation -- from officials who monitor potential support for terrorist activities to rights activists with long experience working in troubled neighbourhoods -- see religious affiliation as a complicating factor." In the same cable the comments by one of the NPNS leaders are reproduced: "Contrary to much of the media reporting, Cadasse said she definitely also perceived an Islamist element behind some of the violence. Exclaiming that, "we all know who these guys are," she claimed they had shaved their (Islamic) beards in order to spread violence. These unemployed Islamist youths were the same troublemakers who had sought to repress women in the troubled suburban neighbourhoods.

See *Analyzing the civil unrest – The Islamic Factors* at <http://213.251.145.96/cable/2005/11/05PARIS7835.html> (accessed 28 January 2011).

2001: 277). The sign of the burqa reveals the problematic politics and construction of difference and illustrates both the process and limitations of “extrapolating from certain tendencies of the group and seeing these as inevitable, rather than as a product of social relations.” (Anthias, 2001: 377-8). Furthermore, the headscarf/burqa bans make the boundaries unclear between what is covered by public administrative ruling and the private domain<sup>36</sup>.

There are many ways to discuss the headscarf/burqa ban in European contexts. Most of the public arguments revolve around policy discussions and controversial judgments that designate the potential social harm caused by the practice of wearing a religious garment (even if freely chosen). One of the most widespread positions emphasizes the tension between fundamental individual rights (in particular those protected by constitutional provisions) and secularism<sup>37</sup>. But why don't we rather, following Ford, assume the explicit connection of such a ban with other policies “designed to speed the integration of minority groups into the prosperous mainstream of society, and adopt a utilitarian approach to questions of accommodation”? (Ford, 2011). The ambiguity of the notion of ‘accommodating’ others’ practices lies in the implicit assumption that accommodating members of minority groups that doing so means legitimating them, giving “them a legal imprimatur marking them as the defining practices of the group” (Ford, 2011). Ford advocates instead limiting legal recognition of group membership to those characteristics that make an individual especially vulnerable to discrimination. This would ensure that no practice is given added weight or legitimacy by the state: the goal is only to accurately identify and counteract illegitimate impediments to full participation in the job market and civil society.

From a policy perspective, the task is to recognize race as a technology of power that goes beyond (and along) skin color to identify some of the ways race involves “historic repertoires and cultural, spatial, and signifying systems that stigmatize and depreciate one form of humanity for the purposes of another’s health, development, safety, profit and pleasure.”

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<sup>36</sup> As in the earlier example mentioning the mothers wearing headscarf who were barred from school grounds and activities, a relevant example here is also French dealing this time with a private day care (*Babyloup*, DEV). The story was made famous through the widespread publicization of Dati's and Boughrab's involvement in the surrounding discussion.

<sup>37</sup> I am not insisting on Orientalism as this is probably the most developed grid of analysis (which does not mean that everything has been said). REF for final.

(Arat-Koç, 2010: 148 quoting Nikhil Pal Singh's *Black is a country*). In light of this, can we track the racialization process of Muslim women? I would say it is clearly feasible. First, Muslim women are made into a category defined by their incompetence to make the right choices in a secular liberal context. Second, they are found trapped in interlocking systems of oppression, labeled Islamophobia as a euphemisation of racism. The external signs of female belonging to Islam (wearing a headscarf and a burqa) help the ranking of human beings by reference to selected embodied properties and "secular incompetences" so as to exclude them. Associated with post-9/11 discourse on the War on Terror, they fit in what Puar calls a "terrorist assemblage" (2007) in which the other's body, clothing, and the imagined threat they represent converge to form a single potent signifier. Although ideal-typical embodiments of extremism, throughout the EU, fully veiled women are few. The fact that they are easily counted as opposed to ubiquitous, is ironically quite reassuring from a security perspective [underscoring the disciplinary function of racial constructions]. The headscarf/burqa bans organize the oscillation between an active form of racism and a more inferential one. They alienate both women and men, casting the first as victims and the second as their oppressors. In effect, the French law that prohibits the hiding of one's face in public obliges a fine to be paid by both persons, the one who allegedly constrains the other to hide his/her face, ie in the case of the burqa, for example, both the wife and the husband are fined. This double blame directly echoes recent rulings on prostitution which impose fines on both the customer and prostitute. Although involving radically different types of behaviors, in both legal reasoning entails a clear moral evaluation of actions undertaken by autonomous individuals. If we consider veiled women from a more horizontal and intersectional perspective, they appear not only as targets of a State and a nation, but also reveal their embedment in a web of social relationships that multiply the possibilities for them to be designated as illegitimate social actors, in whatever role they aim at fulfilling (mother, co-educator, citizen, artist). So the racialization process becomes racist, and not only race-inflected, in that it directly touches the body of the covered women, her very clothing to be considered as part of her body (Puar, 2007). A public constructed in a raceless political condition made for instance little case of the few numbers of Muslim young girls who, respecting the application of March 2004 law, decided to completely shave their head

and break with all normative (orientalist but not only) expectations of “the mask of citizenship” (Bilsky relying on Arendt, 2009).<sup>38</sup>

## **Conclusion**

The principle motive that led me to write this paper is both personal and professional and revolves around the following question: why is it that anti-racism discourse so prevalent in academia does not transpire more into larger society? I am, of course, not the first to observe and lament over the seeming disconnection between theory and praxis. Lamont also asked why the anti racism developed and taught in academia remains largely absent from the worldviews of the majority of people we are publicly conversing with (Lamont)<sup>39</sup>. Racial profiling and religious identification converge in the object of the headscarf and burqa. The overlapping of faith with garment-phenotypical attributes, effectively racializes Islam and Muslims. If this is so evident, why is it not spoken of and discussed?

Despite the substitution that can be identified between race and religion as elements of inclusion/ exclusion from national contexts, they do not totally overlap, either in their legal treatment or their political outcomes. Both are regulated through constitutional politics; however, the regulations differ. Whereas the constitutional politics of race imply political struggles over the meaning of equality and the legal tools to implement them (affirmative action, ethnic monitoring, etc.), the constitutional politics of religion, and especially Islam, imply a renegotiation, or a reinterpretation of an historical compromise on secularism and its implementation. Whereas the principle of equality characterizing liberal constitutional states cannot tolerate the rule of exception, when it comes to religion there seems to be room for exceptional treatment or differential treatment at least.

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<sup>38</sup> The lack of public reaction may be related to unconscious historical associations made in France between shaved women inferiorized and differentialized through their baldness which publically announced their collaboration with the German soldiers (including sexual intercourse and not only activist commitment).

<sup>39</sup> Wacquant has a similar intuition when he notes the effect of a “scientific unconscious” operating when it comes to looking at racial subordination.

At this stage, we are still left with a series of unanswered questions related to the issue of the 'justiciability' (Skach 2006) of religious freedom in secular contexts (i.e. restricting religious freedom in the name of religious neutrality in EU member states). If religion indeed forms a private matter, then why do states care about it? Is cultural distinction really a threat to liberal European democracies? From the legal viewpoint, the claims for equality made by Muslims living in Europe are put forward in a context where religious freedom is no longer deemed absolute. Religions are cultural and historical variables, and social and cultural interpretative systems. The consistent historical mistrust vis-à-vis particular expressions of diversity, even when purely part of the private individual life, exposes the unspoken nationalism underwriting discourses of identity and the cultural and ethnic boundaries they seek to reproduce.

